

**REMARKS****Summary of the Office Action**

Claims 1, 8 and 9 stand objected to for alleged informalities.

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Then et al. (U.S. Patent. No. 5,568,013) (hereinafter "Then") in view of Syms (U.S. Patent No. 7,294,954) (hereinafter "Syms").

Claim 13, 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Then and Syms as applied to claims 1 and 2 above, in view of Burlefinger et al. (U.S. Patent No. 6,492,657) (hereinafter "Burlefinger").

Claims 14, 19 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Then, in view of Burlefinger.

**Summary of the Response to the Office Action**

Applicants have amended independent claim 1, and dependent claims 8 and 9, to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Claims 14, 19 and 21 are canceled without prejudice or disclaimer. Accordingly, claims 1-6, 8-11, 13, 15, and 17 are currently pending and under consideration.

**Objection to the Claims**

Claims 1, 8 and 9 stand objected to for alleged informalities. Claims 1, 8 and 9 have been amended to improve the form of the claims in response to the Examiner's helpful comments at page 2, section 5 of the Office Action. Accordingly, withdrawal of the objections to the claims is respectfully requested.

**Rejections under 35 U.S.C. §§ 102 and 103**

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Then in view of Syms. Claim 13, 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Then and Syms as applied to claims 1 and 2 above, in view of Burlefinger. Claims 14, 19 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Then, in view of Burlefinger.

Claims 14, 19 and 21 have been canceled without prejudice or disclaimer, rendering these rejections moot. Withdrawal of the rejections of claims 14, 19 and 21 is thus respectfully requested.

Pursuant to 37 C.F.R. § 1.55(a), Applicants submitted on September 2, 2009 in this application a verified English-language translation of Japanese Patent Application No. P2004-040405, the priority document of the instant application. As noted in that response filing on September 2, 2009, the U.S. filing date of Syms is January 10, 2005, which is after the priority date to which this application is entitled. Accordingly, Applicants respectfully submitted that Syms should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102. Accordingly, Applicants respectfully asserted in the response filed on September 2, 2009 that the rejections under 35 U.S.C. §§ 102 and 103(a) should be withdrawn at least because the applied Syms reference no longer applies as prior art against the instant application.

In the Final Office Action dated December 17, 2009, at page 8, section 36, the Examiner agrees that “[t]he Applicant is entitled to the priority date of February 17, 2004, for any features of the present invention that were disclosed in JP 2004-040405.” However, the Examiner went on to note in this section of the Final Office Action that “the claim limitation of former claim 7, now incorporated into claim 1, that ‘said anode is comprised of a silicon material’ is not disclosed by JP 2004-040405.” Applicants have carefully considered the Examiner’s assertion in

this regard and Applicants respectfully traverse the Examiner's assertion because Applicants believe that this feature is fully supported by the disclosure of JP 2004-040405.

For example, Applicants respectfully submit that this feature of former claim 7, which is referred to by the Examiner in section 36 at pages 8-9 of the Final Office Action, is fully supported by paragraph [0033] of JP 2004-040405.

[0033] From the state of Fig. 5(D), a glass substrate 80 is anodically bonded to the rear side of the silicon substrate 50. The glass substrate 80 has been processed beforehand with holes 801, 802, and 803 corresponding to the holes 401, 402, and 403, respectively. Subsequently, after removing the resist film 71, DEEP-RIE processing is performed on the front side of the silicon substrate 50. As shown in Fig. 6(A), a penetrating part is formed in the part processed beforehand with the gap part 501, whereby an island 52 corresponding to the anode 32 in Fig. 2 is formed. The island 52 corresponding to the anode 32 is fixed by anodic bonding to the glass substrate 80. In addition, , the groove part 51 corresponding to the grooves between the wall parts 311 in Fig. 2 and the depression 503 corresponding to the gap between the wall parts 311 and depression 301 in Fig. 2 are also formed. Here, the side walls of the groove part 51 and the bottom part 301a are formed with secondary electron emitting surfaces (emphasis added).

Applicants respectfully submit that, as can be seen from the above-quoted paragraph [0033] of JP 2004-040405, it is clear that the island 52 is a part of the silicon substrate 50. In other words, Applicants believe that the former claim 7 clearly is entitled to the priority date of JP 2004-040405 for at least the foregoing reasons.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) which apply Syms should be withdrawn at least because Syms no longer applies as prior art

against the instant application. Furthermore, Applicants respectfully assert that the dependent claims 2-6, 8-11, 13, 15, and 17 are allowable at least because of their dependence from independent claim 1, and the reasons discussed previously.

### **CONCLUSION**

In view of the foregoing discussion, Applicants respectfully request the entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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